

**BEFORE THE
U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Application of

ALLEGIANT AIR, LLC

for a certificate of public convenience and necessity
under 49 USC § 41102 and for exemption authority
under 49 USC § 40109 (U.S.-Mexico)

Docket DOT-OST-2019-

**APPLICATION OF ALLEGIANT AIR, LLC
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
AND FOR EXEMPTION AUTHORITY
(U.S.-MEXICO)**

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NOTICE: Any person may support or oppose this application by filing an answer and serving a copy of the answer on above-named counsel and all persons served with this application. Answers to the exemption request are due May 7, 2019, and answers to the certificate request are due May 13, 2019.

April 22, 2019

**BEFORE THE
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Allegiant Air, LLC (Allegiant) applies, pursuant to 49 USC § 41102 and Subpart B of the Department's Rules of Practice, for a certificate of public convenience and necessity authorizing Allegiant to engage in foreign air transportation of persons, property and mail to the fullest extent available under the U.S.-Mexico Air Transport Agreement signed December 18, 2015 and entered into force August 21, 2016 (the ATA). Allegiant also applies, pursuant to 49 USC § 40109 and Subpart C of the Rules of Practice, for an exemption from 49 USC § 41101 to authorize Allegiant to engage in scheduled foreign air transportation of persons, property and mail to the fullest extent available under the ATA.¹ Allegiant requests exemption authority so that it may offer, sell and operate U.S.-Mexico

¹ More specifically, under both its certificate and exemption applications, Allegiant requests authority to engage in (1) scheduled foreign air transportation of persons, property and mail (a) from a point or points in the United States to a point or points in Mexico, (b) from Dallas/Fort Worth and San Antonio to Mexico City, Toluca, and Acapulco, and beyond to points in Panama and beyond, (c) from New York, Washington, Baltimore, Los Angeles, and Houston, to Mexico City and Toluca, and beyond to a point or points in Central and/or South America, and (d) from a point or points in the United States, via an intermediate point or points, to a point or points in Mexico, and beyond, as mutually agreed in writing by the aeronautical authorities of the U.S. and Mexico; and (2) scheduled foreign air transportation of property and mail (a) from a point or points in the United States, via an intermediate point or points, to a point or points in Mexico, and beyond, and (b) from a point or points in Mexico to any point.

service pending completion of the Presidential review required by 49 USC § 41307, or in the event issuance of certificate authority is otherwise delayed. Allegiant requests that the exemption authority remain in effect for a period of two years, in keeping with the Department's usual practice for U.S. applicants.

In support of this application, Allegiant states:

1. Allegiant is a limited liability company organized and existing under the laws of the State of Nevada, with its principal place of business at 1201 N. Town Center Drive, Las Vegas, Nevada 89144. Allegiant is a citizen of the United States as defined by 49 USC § 40102(a)(15)(C).

2. Allegiant is fully qualified to perform the foreign air transportation described in this application. Allegiant holds certificates of public convenience and necessity authorizing it to engage in scheduled interstate and foreign (open skies) air transportation of persons, property and mail.² Pursuant to its DOT and FAA authority, Allegiant operates a fleet of Airbus A319 and A320 aircraft in scheduled domestic service, including mainland-Puerto Rico operations. Allegiant also operates numerous charter flights and has extensive U.S.-Mexico operating experience under Part 380 public charter programs flown for a variety of customers. The service contemplated by this application is consistent with Allegiant's established scope of operations, and Allegiant requests that the Department take official notice, pursuant to Rule 24(g) of the Rules of Practice, of all other information necessary to establish Allegiant's fitness.

3. This application is consistent with the ATA, which allows U.S. carriers to engage in scheduled operations as set forth in Note 1 above; *see* ATA, Annexes I.A.1 and I.B.1.

4. Issuance of the authority requested by Allegiant would be in the public interest. Allegiant is well known for its innovative, low-cost, traffic-stimulating service, which will enhance competition in the transborder leisure travel market. Prompt issuance of the exemption authority

² See Orders 2004-5-7 (May 7, 2004) and 2007-7-3 (July 6, 2007).

Allegiant requests would be consistent with the Department's recognition that "streamlining is especially important in the present highly competitive and largely liberalized international aviation environment, where carriers face pressing demands to maximize efficiency and to minimize costs and the impact of administrative delay."³

5. Allegiant anticipates that its annual fuel consumption on all of the service described in this application, collectively, will not exceed the 10-million gallon threshold specified in section 313.4(a)(1) of the Department's regulations. Accordingly, approval of this application will not constitute a major regulatory action under Part 313.

WHEREFORE, Allegiant Air, LLC requests issuance of certificate and exemption authority as set forth above. Allegiant requests that the exemption authority remain in effect for a period of two years or such longer period as the Department may specify.

Respectfully submitted,



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GAROFALO GOERLICH HAINBACH PC

Counsel for Allegiant Air, LLC

April 22, 2019

³ Notice, August 26, 2005, *In the Matter of Streamlining Regulatory Procedures for Licensing U.S. and Foreign Air Carriers*, Docket DOT-OST-2005-22228.

Certificate of Service

I hereby certify that on April 22, 2019, a copy of the foregoing application of Allegiant Air was served by email upon each of the persons listed below.


Lucas Schrage

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